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Committee on the Exercise of the Inalienable Rights of the Palestinian People

Summary record of the 280th meeting
Held at Headquarters, New York, on Friday, 6 August 2004, at 10.30 a.m.

Chairman: Mr. Badji ..... (Senegal)

Contents

Adoption of the agenda

Developments in the Middle East peace process and the situation in the Occupied Palestinian Territory, including East Jerusalem

Report by the Chairman on the United Nations African Meeting in Support of the Inalienable Rights of the Palestinian People, 29-30 June, and the United Nations Forum of Civil Society in Support of Middle East Peace, 1 July 2004, Cape Town

Reports by the Chairman on the thirty-first session of the Islamic Conference of Foreign Ministers, 14-16 June 2004, Istanbul, and on the fifth ordinary session of the Executive Council and the third ordinary session of the Assembly of the African Union, 30 June to 3 July 2004, Addis Ababa

Status of preparations for the United Nations International Conference of Civil Society in Support of the Palestinian People, 13-14 September 2004, United Nations Headquarters

Accreditation of civil society organizations with the Committee

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The meeting was called to order at 10.40 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Developments in the Middle East peace process and the situation in the Occupied Palestinian Territory, including East Jerusalem

2. **The Chairman,** informing the Committee about developments since its previous meeting, said that on 9 July 2004, the International Court of Justice had issued an advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, including in and around East Jerusalem. The Court had declared that the wall and its associated regime were in breach of international human rights and humanitarian law, as well as the right to self-determination. It had stipulated that Israel was under an obligation to cease construction of the wall, dismantle the structure and make reparation for all damage caused by the project.

3. On 16 July 2004, the General Assembly had resumed its tenth emergency special session to consider the advisory opinion, and on 19 July, it had adopted resolution ES-10/15, in which it demanded that Israel should comply with its legal obligations as identified in the advisory opinion and requested the Secretary-General to establish a register of damage caused to all natural or legal persons concerned. It further called upon all States parties to the fourth Geneva Convention to ensure compliance by Israel, and invited Switzerland, in its capacity as the depositary of the Geneva Conventions, to conduct consultations and to report to the General Assembly on the possibility of resuming the Conference of High Contracting Parties to the Fourth Geneva Convention.

4. **Mr. Al-Kidwa** (Observer for Palestine) said that the resolution adopted at the resumed tenth emergency special session of the General Assembly could be viewed as the most important resolution on the question of Palestine since the adoption of the Plan of partition in General Assembly resolution 181 (II). The international community was still awaiting compliance with resolution ES-10/15, but in a development that was less than encouraging, Israel had rejected the advisory opinion and had declared its intention to continue building the wall.

5. There was no choice but to consider further measures at the level of the United Nations system, the Member States and the High Contracting Parties to the Geneva Conventions. In the United Nations, the next step would be to bring a draft resolution to the Security Council, with the option of returning to the General Assembly. The Secretariat and the Secretary-General should expedite the actions requested in resolution ES-10/15, and should ensure that all substantive documents were congruent with the advisory opinion. Member States should take action at the international, regional and national levels against products and companies involved in the situation. He also hoped that the Swiss Government, as depositary of the Fourth Geneva Convention, would expedite consultations among the High Contracting Parties aimed at ensuring respect for their obligations under article 1 of that Convention. After the forthcoming ministerial meeting of the Movement of Non-Aligned Countries in Durban, that agenda would be translated into specific suggestions for action.

6. Meanwhile, the situation on the ground had worsened although, despite daily violations of international law, it had received little coverage in the international media. Two notable examples were the continued killings and destruction of homes in the Gaza Strip, and the closing of the border crossing between Gaza and Egypt, effectively stranding 2,000 people, most of whom were forced to remain in the border terminal building itself.

7. Between the issuance of the advisory opinion and the adoption of resolution ES-10/15, the Special Representative of the Secretary-General had presented a briefing to the Security Council, which in the view of his delegation, lacked a legal context and attempted to equate the ruling of the International Court of Justice with a decision of the Israeli courts; it was therefore unacceptable. The mandate of the United Nations was to end the occupation of Palestine and give its people self-determination, and his delegation accepted that it should be involved as a member of the Quartet. He intended to discuss the situation with the Secretary-General in order to clarify the positions of all parties. The position of the United States of America on the matter was not new; unfortunately it was not acting as a mediator but was making itself a party to the conflict.

8. As for the internal situation in the Palestinian Territory, he challenged the notion that excellent governance was possible under Israeli occupation and

an active campaign against the Palestinian leadership. Although that leadership had made mistakes, it was confronting a programme of colonization bent on the destruction of the Palestinian people. He called on the international community to intensify its solidarity with the Palestinian people, at a time when, despite the difficult circumstances, there were many possibilities for the future.

Report by the Chairman on the United Nations African Meeting in Support of the Inalienable Rights of the Palestinian People, 29-30 June, and the United Nations Forum of Civil Society in Support of Middle East Peace, 1 July 2004, Cape Town

9. **The Chairman** said that the United Nations African Meeting in support of the Inalienable Rights of the Palestinian People had been convened with a view to mobilizing the support of the African countries for the inalienable rights of the Palestinian people. During the course of the meeting, the participants had assessed the situation in the Occupied Palestinian Territory, including East Jerusalem, considered the consequences of the construction of the separation wall and expressed their support for the request for an advisory opinion from the International Court of Justice. Speakers had also encouraged all members of the Quartet to play a more active role in the implementation of the road map and welcomed recent civil society initiatives, such as the Geneva Initiative and the People's Voice, that promoted dialogue between Israelis and Palestinians.

10. The Meeting, which had been attended by representatives of 56 Governments, Palestine, the African Union, four United Nations agencies and 36 civil society organizations, had been a great success. The President of the Republic of South Africa, Thabo Mbeki, had delivered the opening address, in which he had called on participants to develop a concrete programme of action in order to secure the support of all African States for a strong resumption of the peace process. President Arafat had made a statement by videolink, and a message from the Secretary-General of the United Nations had been read out by the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East. During the plenary sessions, 16 experts from all over the world, including Palestinians and Israelis, had made statements. At the closing session, participants had adopted a Final Document, in which they condemned Israel's wilful and systematic violations of international humanitarian and human rights law and its ongoing efforts to perpetuate the occupation, in particular the establishment of settlements and the construction of the separation wall, and stressed that the Israeli occupation of the Palestinian Territory remained the core of the conflict.

11. The participants had welcomed the decision to refer the issue to the International Court of Justice and stressed that the advisory opinion should be respected by all law-abiding States. They had taken the view that the road map continued to represent the most viable initiative for a peaceful settlement of the conflict and called upon the Quartet to expedite the implementation of the action plan. They had also reaffirmed the important role of the Security Council and, in that connection, stressed the significance of a decision to mandate an international presence or monitoring force in the Occupied Palestinian Territory, including East Jerusalem, which could be incorporated into a comprehensive Security Council resolution on the matter. Lastly, the Meeting had taken note of the forthcoming African Union Summit and expressed the hope that action would be taken to promote the inalienable rights of the Palestinian people and a peaceful solution to the conflict.

12. The United Nations Forum of Civil Society in support of Middle East Peace had taken place after the African Meeting, and had been attended by members of non-governmental organizations, civil society institutions and representatives of Governments and intergovernmental organizations. A frank and useful debate had taken place on issues such as the public perception of the Israeli-Palestinian conflict, the impact and responsibility of universities and the role of civil society in awareness-raising. The participants had adopted a final declaration, which called on the United Nations to take steps to ensure that Israel implemented all the relevant resolutions of the Organization and respected the provisions of international law. They had also undertaken to hold a conference of civil society organizations with a view to launching a mass movement of solidarity with the Palestinian people on the African continent.

13. **Mr. Cardy** (South Africa) said that the level of participation and the strong media interest in the United Nations African Meeting in Support of the Inalienable Rights of the Palestinian People and the United Nations Forum of Civil Society in Support of

Middle East Peace, hosted by South Africa, were indicative of the importance attached by the international community to the peaceful resolution of the Middle East crisis.

14. At the African Meeting, President Mbeki had stressed the need to maintain international focus on the long-standing Israeli-Palestinian conflict and had called on participants to provide guidance and direction in respect of specific actions to be taken by the African continent. He had also pointed out that expressing support for the Palestinian people's struggle for self-determination was not tantamount to an expression of hostility to Israel and noted that the Palestinians themselves should be responsible for choosing their leader. Other speakers who had personally contributed to successful liberation struggles in Africa had exchanged views and shared experiences with their Palestinian counterparts, and many constructive suggestions had been made regarding how to build an international mass movement of Governments and civil society groups in support of the inalienable rights of the Palestinian people. Palestinian speakers had clearly articulated their hopes for a peaceful future and provided participants with extensive information on the suffering of the Palestinian people under foreign military occupation.

15. He hoped that the momentum from the Cape Town meetings would be carried forward to the fifty-ninth session of the General Assembly and the United Nations International Conference of Civil Society in Support of the Palestinian People, so that the near international consensus on the need to stop and reverse the construction of settlements and the separation wall could be transformed into concrete action to help realize the vision of a two-State solution.

16. **Mr. Diarra** (Mali) asked the Secretariat to circulate the final documents from the Cape Town meetings so that members of the Committee could review the outcomes in more detail.

17. **Mr. Al-Kidwa** (Observer for Palestine) said that he wished to express his gratitude to the people and Government of South Africa. The meetings in Cape Town had been the most successful events organized by the Committee that he had ever attended, and he hoped that the momentum they had generated would be carried forward to the fifty-ninth session of the General Assembly and beyond.

18. **The Chairman** said that he took it that the Committee wished to take note of the report.

19. *It was so decided.*

Reports by the Chairman on the thirty-first session of the Islamic Conference of Foreign Ministers, 14-16 June 2004, Istanbul, and on the fifth ordinary session of the Executive Council and the third ordinary session of the Assembly of the African Union, 30 June to 3 July 2004, Addis Ababa

20. **The Chairman** said that, on behalf of the Committee, he had attended the thirty-first session of the Islamic Conference of Foreign Ministers, held in Istanbul, Turkey, on 14-16 June 2004. The question of Palestine had figured prominently on the agenda of the meeting and the concerns expressed by participants had been reflected in a number of resolutions. In addition, both the Final Communiqué and the Istanbul Declaration had, inter alia, called upon all parties concerned to give priority attention to the question of Palestine and the Arab-Israeli conflict in general, with the objective of securing full statehood for Palestine alongside Israel within secure and recognized borders.

21. He had also attended the fifth ordinary session of the Executive Council of the African Union and the third ordinary session of the Assembly of the African Union, held from 30 June to 3 July 2004 in Addis Ababa. A comprehensive decision on the question of Palestine had been adopted, emphasizing, inter alia, the African Union's condemnation of Israeli violations of human rights and international humanitarian law and its concern at the negative consequences of the construction of the wall. The decision also reaffirmed the need to set up, pursuant to a decision taken at the Maputo Summit in 2003, a Committee of 10 responsible for promoting the Middle East peace process.

22. Both the Organization of the Islamic Conference and the African Union were strong supporters of the Palestinian cause and, therefore, valuable allies of the Committee. The partnership between the Committee and those bodies should be further strengthened.

23. He took it that the Committee wished to take note of the reports.

24. *It was so decided.*

Status of preparations for the United Nations International Conference of Civil Society in Support of the Palestinian People, 13-14 September 2004, United Nations Headquarters

25. **The Chairman** drew the Committee's attention to Working Paper No. 5, which contained the provisional programme for the United Nations International Conference of Civil Society in Support of the Palestinian People, to be held at United Nations Headquarters in New York on 13-14 September 2004. He encouraged all Committee members and observers to take an active part in the event.

26. He took it that the Committee wished to approve the provisional programme for the Conference, as contained in Working Paper No. 5.

27. *It was so decided.*

Accreditation of civil society organizations with the Committee

28. **The Chairman** drew the Committee's attention to Working Paper No. 6, which contained an application from a nor.-governmental organization for accreditation to the Committee. The Bureau, assisted by the Division for Palestinian Rights, had reviewed the application and concluded that the organization concerned fulfilled the established criteria for accreditation. He therefore took it that the Committee wished to approve the application.

29. *It was so decided.*

The meeting rose at 12.05 p.m.